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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/170,724

Applicant(s)

NAKATSUYAMA, TAKASHI

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 9** is rejected under 35 U.S.C. 102(e) as being anticipated by Enomoto et al. (US 6,278,739).

Regarding **claim 9**, Enomoto discloses a digital transmission apparatus (column 1, lines 12-22), (which reads on claimed “an information service center for distributed a program to terminal equipment”) comprising:

storage means (336 on FIG. 9) for storing a plurality of programs (column 14, lines 12-20) [The separated video signal is stored in the memory];

retrieving means (101 on FIG. 1) for retrieving a desired program (column 12, line 5 “format signal”) selected at the terminal equipment from the plurality of programs stored (column 12, lines 2-22) [The input side retrieve the signal supplying the format signal to be transmitted];

dividing means (332 on FIG. 9) for dividing the desired program (column 9, line 41 “different data”) retrieved by the retrieving means into an outline part (334 on FIG. 9)

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for informing a user (column 10, line 15 "the user") of an outline (column 9, line 41 "video signal") of the desired program and into a supplement part (338 on FIG. 9) recombinable with the outline part for restoring the desired program (column 9, lines 40-50) [The separator divides into sections the data and uses a compression to be recombined at a computer]; and

transmission means (FIG. 1A) for transmitting the outline part and the supplement part divided by the dividing means (column 6, lines 51-53) [The signal format is converted to a serial transmission signal and transmitted between devices].

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 15 and 21** are rejected under 35 U.S.C. 102(b) as being anticipated by Yurt et al. (US 5,132,992).

Regarding **claim 15**, Yurt discloses an audio and video receiving system (column 3, lines 61-64), (which reads on claimed "terminal equipment for receiving a program transmitted from an information service center"), comprising:

receiving means (200 on FIG. 1g) for receiving an outline part (column 18, line 4 "audio") and an supplement part (column 18, line 5 "video") transmitted from the

information service center (column 18, lines 1-8) [The reception system receives the audio and the data information from the transmitter system];

recombining means (202 on FIG. 6) for recombining the outline part and the supplement part received by the receiving means (column 18, lines 9-13) [The format converter converts the compressed formatted data in format suitable for playback]; and

reproducing means (204 on FIG. 6) for reproducing the desired program based on the outline part used for monitoring (column 18, lines 22-26) [The reproducing means of the audio and video data is done at the data formatter].

Regarding **claim 21**, Yurt discloses when the supplement part from the information service center begins downloading into the terminal equipment, the outline part is continuously reproduced for monitoring by the user (column 14, line 64 to column 15 line 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Enomoto.

Regarding **claim 1**, Yurt discloses an audio and video transmission and receiving system (column 3, lines 61-64), (which reads on claimed "a data distribution system") including an information service center (100 on FIG. 1) and terminal equipment (200 on FIG. 1) remote from the information service center (column 4, line 5 "Remote order") and adapted for distributing a program selected (column 4, line 6 "desired items") at the terminal equipment from the information service center to the terminal equipment, the information service center comprising:

storage means (column 5, lines 67-68 "material library means") for storing a plurality of programs (column 5, line 66 to column 6, line 2) [The transmission system includes a library means for storage of items];

retrieving means (column 6, line 39 "identification encoder") for retrieving a desired program (column 6, line 61 "information") selected at the terminal equipment from the plurality of programs stored in the storage means (column 6, lines 55-68) [Each

item has a unique identification code for storage and retrieving purpose and the retrieved information is placed into a format];

the terminal equipment comprising:

receiving means (200 on FIG. 1g) for receiving the outline part and the supplement part transmitted from the information service center (column 18, lines 1-8) [The reception system receives the audio and the data information from the transmitter system];

recombining means (202 on FIG. 6) for recombining the outline part and the supplement part received by the receiving means (column 18, lines 9-13) [The format converter converts the compressed formatted data in format suitable for playback]; and

reproducing means (204 on FIG. 6) for reproducing the desired program based on the outline part used for monitoring (column 18, lines 22-26) [The reproducing means of the audio and video data is done at the data formatter].

Yurt fails to disclose a dividing means and a transmission means for a serial transmission.

However, Enomoto teaches dividing means (332 on FIG. 9) for dividing the desired program (column 9, line 41 "different data") retrieved by the retrieving means into an outline part (334 on FIG. 9) for informing a user (column 10, line 15 "the user") of an outline (column 9, line 41 "video signal") of the desired program and into a supplement part (338 on FIG. 9) recombinaible with the outline part for restoring the

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desired program (column 9, lines 40-50) [The separator divides into sections the data and uses a compression to be recombined at a computer]; and

transmission means (FIG. 1A) for transmitting the outline part and the supplement part divided by the dividing means (column 6, lines 51-53) [The signal format is converted to a serial transmission signal and transmitted between devices].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding a dividing means and a transmission means for a serial transmission as taught by Enomoto.

The modification will allow the system to use a dividing means and a transmission means for a serial transmission such that the reception would be converted for the playback.

Regarding **claim 6**, Yurt discloses when the supplement part from the information service center begins downloading into the terminal equipment, the outline part is continuously reproduced for monitoring by the user (column 14, line 64 to column 15 line 2).

7. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Enomoto and in further view of Kitabatake (US 5,469,474).

Regarding **claim 2**, Yurt discloses the desired program includes audio data (column 9, lines 26-40).

Yurt and Enomoto as applied to **claim 1** above differ from **claim 2** in that it fails to disclose the dividing and encoding means of the audio data into a plurality of bands having different respective frequency components.

However, Kitabatake teaches

an audio data dividing means for dividing the audio data into a plurality of bands having different respective frequency components (11 on FIG. 2); and

encoding means for encoding a frequency component of each of the bands resulting from a division of the audio data by the audio data dividing means by allocating a quantization bit to each one of the frequency components for masking a quantum noise, for providing as the outline part an output corresponding to a first band of the plurality of bands, and for providing as the supplement part an output corresponding to a second band of the plurality of bands (column 5, line 67 to column 6, line 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt and Enomoto by adding the dividing and encoding means of the audio data into a plurality of bands having different respective frequency components as taught by Kitabatake.

The modification will allow the system to divide the audio data into a plurality of bands having different respective frequency components such that the frequency band signals would be quantized.

8. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Enomoto and in further view of Kim (US 5,734,657).

Regarding **claim 3**, Yurt discloses the desired program includes audio data (column 9, lines 26-40).

Yurt and Enomoto as applied to **claim 1** above differ from **claim 3** in that it fails to disclose the dividing means generates outputs through addition of a plurality of channels for the audio data.

However, Kim teaches the dividing means generates a first output through addition of a plurality of channels for the audio data and a second output through subtraction of the plurality of channels, for providing one of the first output and the second output as the outline part and a remaining output as the supplement part (column 4, lines 39-43).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt and Enomoto by adding the dividing means generates outputs through addition of a plurality of channels for the audio data as taught by Kim.

The modification will allow the system to have the dividing means generates outputs through addition of a plurality of channels for the audio data such that the audio signals would be a sampled digitally.

9. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Enomoto and in further view of Tsutsui et al. (US 5,731,767).

Regarding **claim 4**, Yurt and Enomoto as applied to **claim 1** above differ from **claim 4** in that it fails to disclose the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum.

However, Tsutsui teaches the dividing means comprises frequency band dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum for providing one of the even spectrum and the odd spectrum as the outline part and a remaining spectrum as the supplement part (column 14, line 64 to column 15, line 7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt and Enomoto by adding the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum as taught by Tsutsui.

The modification will allow the system to have the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum such that the respective bands would become in correspondence with the critical bandwidths.

10. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Tsuga et al. (US 5,895,124).

Regarding **claim 5**, Yurt and Enomoto as applied to **claim 1** above differs from **claim 5** in that it fails to disclose dividing the audio data into vocal data and accompaniment data.

However, Tsuga teaches the dividing means divides the audio data into vocal data and accompaniment data for providing one of the vocal data and the accompaniment data as the outline part and remaining data as the supplement part (column 1, line 64 to column 2, line 6).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt and Enomoto by adding dividing the audio data into vocal data and accompaniment data as taught by Tsuga.

The modification will allow the system to divide the audio data into vocal data and accompaniment data such that the user would be able to select a duet.

11. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view Enomoto and in further view of Schoen et al. (US 5,592,511).

Regarding **claim 7**, Yurt and Enomoto as applied to **claim 1** above differ from **claim 7** in that it fails to disclose reproduction of the outline part at the terminal equipment for monitoring not counted for billing.

However, Schoen teaches wherein reproduction of the outline part at the terminal equipment for monitoring is not counted for billing (column 3, lines 21-30).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding reproduction of the outline part at the terminal equipment for monitoring not counted for billing as taught by Schoen.

The modification will allow the system to have reproduction of the outline part at the terminal equipment for monitoring not counted for billing such that the user would retrieve the data.

Regarding **claim 8**, Yurt and Enomoto as applied to **claim 1** above differ from **claim 8** in that it fails to disclose additional lock data for a predetermined billing.

However, Schoen teaches a data distribution system, wherein the information service center transmits to the terminal equipment the supplement part including additional lock data for a predetermined billing and receives from the terminal equipment key data corresponding to the additional lock data, thereby permitting reproduction of the supplement part at the terminal equipment (column 3, lines 13-18).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt and Enomoto by adding additional lock data for a predetermined billing as taught by Schoen.

The modification will allow the system to have additional lock data for a predetermined billing such that the billing data would be sent to the computer.

12. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto and in view of Kitabatake.

Regarding **claim 10**, Enomoto as applied to **claim 9** above differs from **claim 10** in that it fails to disclose the dividing and encoding means of the audio data into a plurality of bands having different respective frequency components.

However, Kitabatake teaches an audio data dividing means for dividing the audio data into a plurality of bands having different respective frequency components (11 on FIG. 2); and

encoding means for encoding a frequency component of each of the bands resulting from a division of the audio data by the audio data dividing means by allocating a quantization bit to each one of the frequency components for masking a quantum noise, for providing as the outline part an output corresponding to a first band of the plurality of bands, and for providing as the supplement part an output corresponding to a second band of the plurality of bands (column 5, line 67 to column 6, line 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Enomoto by adding the dividing and encoding means of the audio data into a plurality of bands having different respective frequency components as taught by Kitabatake.

The modification will allow the system to divide the audio data into a plurality of bands having different respective frequency components such that the frequency band signals would be quantized.

13. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Kim.

Regarding **claim 11**, Enomoto as applied to **claim 9** above differs from **claim 11** in that it fails to disclose the dividing means generates outputs through addition of a plurality of channels for the audio data.

However, Kim teaches the dividing means generates a first output through addition of a plurality of channels for the audio data and a second output through subtraction of the plurality of channels, for providing one of the first output and the second output as the outline part and a remaining output as the supplement part (column 4, lines 39-43).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Enomoto by adding the dividing means generates outputs through addition of a plurality of channels for the audio data as taught by Kim.

The modification will allow the system to have the dividing means generates outputs through addition of a plurality of channels for the audio data such that the audio signals would be a sampled digitally.

14. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Tsutsui et al. (US 5,731,767).

Regarding **claim 12**, Enomoto as applied to **claim 9** above differs from **claim 12** in that it fails to disclose the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum.

However, Tsutsui teaches the dividing means comprises frequency band dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum for providing one of the even spectrum and the odd spectrum as the outline part and a remaining spectrum as the supplement part (column 14, line 64 to column 15, line 7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Enomoto by adding the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum as taught by Tsutsui.

The modification will allow the system to have the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum such that the respective bands would become in correspondence with the critical bandwidths.

15. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Tsuga.

Regarding **claim 13** Enomoto as applied to **claim 9** above differs from **claim 13** in that it fails to disclose dividing the audio data into vocal data and accompaniment data.

However, Tsuga teaches the dividing means divides the audio data into vocal data and accompaniment data for providing one of the vocal data and the accompaniment data as the outline part and remaining data as the supplement part (column 1, line 64 to column 2, line 6).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Enomoto by adding dividing the audio data into vocal data and accompaniment data as taught by Tsuga.

The modification will allow the system to divide the audio data into vocal data and accompaniment data such that the user would be able to select a duet.

16. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Schoen.

Regarding **claim 14**, Enomoto as applied to **claim 9** above differs from **claim 14** in that it fails to disclose additional lock data for a predetermined billing.

However, Schoen teaches a data distribution system, wherein the information service center transmits to the terminal equipment the supplement part including additional lock data for a predetermined billing and receives from the terminal

equipment key data corresponding to the additional lock data, thereby permitting reproduction of the supplement part at the terminal equipment (column 3, lines 13-18).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Enomoto by adding additional lock data for a predetermined billing as taught by Schoen.

The modification will allow the system to have additional lock data for a predetermined billing such that the billing data would be sent to the computer.

17. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Kitabatake.

Regarding **claim 16**, Yurt as applied to **claim 15** above differs from **claim 16** in that it fails to disclose dividing the audio data into a plurality of bands having a frequency component and a first output.

However, Kitabatake teaches the audio data is divided into a plurality of bands having different respective frequency components;

a frequency component of each of the bands results from a division of the audio data encoded by allocating a quantization bit to each one of the frequency components for masking a quantum noise (column 4, lines 24-33); and

a first output corresponding to a first band of the plurality of bands is provided as the outline part while a second output corresponding to a second band of the plurality of bands is provided as the supplement part (column 4, lines 18-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding dividing the audio data into a plurality of bands having a frequency component and a first output as taught by Kitabatake.

The modification will allow the system to divide the audio data into a plurality of bands having different respective frequency components such that the frequency band signals would be quantized.

18. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Akagiri (US 5,664,056).

Regarding **claim 17**, Yurt as applied to **claim 15** above differs from **claim 17** in that it fails to disclose the converting and the second recombining means of the outline part and the supplement part.

However, Akagiri teaches a terminal equipment, further comprising:

converting means for converting frequency-axial signals of the outline part and the supplement part respectively distributed from the information service center, to time-axial signals (column 9, lines 23-26); and

second recombining means for recombining converted signals from the converting means for band composition (column 9, lines 26-29).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding the converting and the second recombining means of the outline part and the supplement part as taught by Akagiri.

The modification will allow the system to convert frequency-axial signals of the outline part and the supplement part respectively distributed from the information service center, to time-axial signals such that the samples on the time axis would be recombined.

19. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Kim.

Regarding **claim 18**, Yurt as applied to **claim 15** above differs from **claim 18** in that it fails to disclose the dividing means generates outputs through addition of a plurality of channels for the audio data.

However, Kim teaches the dividing means generates a first output through addition of a plurality of channels for the audio data and a second output through subtraction of the plurality of channels, for providing one of the first output and the second output as the outline part and a remaining output as the supplement part (column 4, lines 39-43).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding the dividing means generates outputs through addition of a plurality of channels for the audio data as taught by Kim.

The modification will allow the system to have the dividing means generates outputs through addition of a plurality of channels for the audio data such that the audio signals would be a sampled digitally.

20. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Tsutsui.

Regarding **claim 19**, Yurt as applied to **claim 15** above differs from **claim 19** in that it fails to disclose the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum.

However, Tsutsui teaches the dividing means comprises frequency band dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum for providing one of the even spectrum and the odd spectrum as the outline part and a remaining spectrum as the supplement part (column 14, line 64 to column 15, line 7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum as taught by Tsutsui.

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The modification will allow the system to have the dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum such that the respective bands would become in correspondence with the critical bandwidths.

21. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Tsuga.

Regarding **claim 20**, Yurt as applied to **claim 15** above differs from **claim 20** in that it fails to disclose dividing the audio data into vocal data and accompaniment data.

However, Tsuga teaches the dividing means divides the audio data into vocal data and accompaniment data for providing one of the vocal data and the accompaniment data as the outline part and remaining data as the supplement part (column 1, line 64 to column 2, line 6).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding dividing the audio data into vocal data and accompaniment data as taught by Tsuga.

The modification will allow the system to divide the audio data into vocal data and accompaniment data such that the user would be able to select a duet.

22. **Claims 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Schoen.

Regarding **claim 22**, Yurt as applied to **claim 15** above differs from **claim 22** in that it fails to disclose reproduction of the outline part at the terminal equipment for monitoring not counted for billing.

However, Schoen teaches wherein reproduction of the outline part at the terminal equipment for monitoring is not counted for billing (column 3, lines 21-30).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding reproduction of the outline part at the terminal equipment for monitoring not counted for billing as taught by Schoen.

The modification will allow the system to have reproduction of the outline part at the terminal equipment for monitoring not counted for billing such that the user would retrieve the data.

Regarding **claim 23**, Yurt as applied to **claim 15** above differs from **claim 23** in that it fails to disclose additional lock data for a predetermined billing.

However, Schoen teaches a data distribution system, wherein the information service center transmits to the terminal equipment the supplement part including additional lock data for a predetermined billing and receives from the terminal equipment key data corresponding to the additional lock data, thereby permitting reproduction of the supplement part at the terminal equipment (column 3, lines 13-18).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Yurt by adding additional lock data for a predetermined billing as taught by Schoen.

The modification will allow the system to have additional lock data for a predetermined billing such that the billing data would be sent to the computer.

23. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Yurt.

Regarding **claim 24**, Enomoto discloses a digital transmission apparatus (column 1, lines 12-22), (which reads on claimed “a method of distributing a program between an information service center and an equipment remote from the information service center”), comprising the steps of:

dividing a desired program (column 9, line 41 “different data”) into an outline part (334 on FIG. 9) for informing a user (column 10, line 15 “the user”) of an outline (column 9, line 41 “video signal”) of the desired program and into a supplement part (338 on FIG. 9) recombinable with the outline part for restoring the desired program (column 9, lines 40-50) [The separator divides into sections the data and uses a compression to be recombined at a computer];

transmission the outline part and the supplement part there after to the equipment (column 6, lines 51-53) [The signal format is converted to a serial transmission signal and transmitted between devices].

Enomoto fails to disclose receiving the part, recombined the part and reproducing the outline part.

However, Yurt teaches receiving an outline part (column 18, line 4 "audio") and an supplement part (column 18, line 5 "video") distributed from the information service center (column 18, lines 1-8) [The reception system receives the audio and the data information from the transmitter system];

recombining the received outline part and the received supplement part (column 18, lines 9-13) [The format converter converts the compressed formatted data in format suitable for playback]; and

reproducing the outline part used for monitoring by the user (column 18, lines 36-45) [The signals are output to a playback system to be monitored by the user].

Response to Arguments

24. Applicant's arguments with respect to **claims 1-24** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
January 26, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

